

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 06/21/2012
POSITION: Support
SPONSOR: Administration

BILL NUMBER: SB 807
AUTHOR: Correa, Lou

BILL SUMMARY: State Militia

This Administration sponsored bill would specify that state active duty (SAD) consists of service members in active state service when ordered by the Governor. This bill would also revise conditions for SAD for service members and would authorize the Adjutant General to promulgate regulations in conformity with these provisions.

FISCAL SUMMARY

The Military Department indicates that there would be no fiscal impact to them as a result of this bill. However, we note that by providing the Adjutant General with SAD status, he/she would be able to accrue leave during periods where his/her duties require participation in activities where federal pay is awarded. This bill is meant to address an issue that arose with the previous Adjutant General, who was accused of receiving full state and federal pay for a period of time. This bill would allow the Adjutant General to accrue leave time, but does not resolve the issue of collecting "double pay" because leave time is also accrued with pay. To the extent a Adjutant General leaves state service, the leave time would have to be cashed out.

COMMENTS

The Department of Finance supports this Administration sponsored bill because it would clarify language regarding the SAD system and establish the SAD in statute, as well as improve the operational capability of the Military Department.

Existing law provides that the Governor is the Commander in Chief of the Militia of the State and the Governor is authorized to order the active militia or any portion of the militia to perform military duty. This bill would provide that the SAD forces consists of service members in active state service when ordered by the Governor. This bill would provide that service members ordered to SAD would be selected using a military competitive selection process, and after serving for six years qualified service, members would become part of the SAD career system until age 60. This bill would also establish minimum qualifications of a member ordered to SAD to be a current member with the California National Guard, or California National Guard service with current membership in the State Military Reserve, or be a current member of the State Military Reserve with a minimum of two years of service. This bill would provide that service members may be part of a reduction in force when the Adjutant General abolishes the position in good faith.

Existing law authorizes the Governor to make rules and regulations consistent with the Military and Veterans Code that conform as nearly as practicable to those governing the United States Army, United States Air Force, and United States Navy. This bill would instead require the Governor to direct the Adjutant General to make those rules and regulations. This bill would also revise the ranks of officers in the Office of the Adjutant General and provide that the Adjutant General would receive the same pay and

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Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

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COMMENTS (continued)

benefits as all other SAD service members. This bill would make other revisions to the Military and Veterans Code to better clarify existing law.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)					
	LA	(Dollars in Thousands)					
	CO	PROP					Fund
	RV	98	FC	2012-2013	FC	2013-2014	FC 2014-2015 Code
8940/Military Dpt	SO	No		-----	No/Minor Fiscal Impact	-----	0001